

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:18-cr-00134

ALLEN H. LOUGHRY II

**SECOND SUPPLEMENTAL RESPONSE OF THE UNITED STATES TO
DEFENDANT'S STANDARD DISCOVERY REQUESTS;
REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY;
AND NOTICE OF INTENT TO OFFER
CERTIFIED RECORDS UNDER FED. R. EVID. 902(11) OR 902(13)**

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, Rule 16.1 of the Local Rules of Criminal Procedure, and the Arraignment Order and Standard Discovery Request entered by the Court in this case on August 23, 2018, the United States of America, by counsel, supplements its response to defendant's Standard Discovery Request as follows:

Preliminary Response: Pursuant to this Supplemental Response, the United States provides materials contained on a flash-drive device, containing the following folders:

1. Request E-Anticipated Trial Exhibits
2. Request H-Favorable Information
3. Other Materials

Request E: Permit the defendant to inspect and to copy or photograph books, papers, documents, data, photographs, tangible objects, building or places, or copies or portions of any of those items, if the item is within the government's possession, custody or control, and (i) the item is material to preparing the defense; (ii) the government intends to use the item in its case-in-chief at trial; or (iii) the item was obtained from or belongs to defendant. [Fed. R. Crim. P. 16(a)(1)(E)]

Response: See Folder 1, which contains records relevant to instances where defendant Loughry allegedly used a State vehicle for personal use.

Request H: Disclose to defendant all evidence favorable to defendant, including impeachment evidence, and allow defendant to inspect, copy or photograph such evidence.

Response: Without conceding that the material provided in folder 2 is in fact favorable to defendant, the United States provides an email about a printer used by Justice Robin Davis.

Request K: Disclose to defendant any matter as to which the government will seek judicial notice.

Response: The United States will seek judicial notice that the following locations lie within the Southern District of West Virginia: Charleston, Kanawha County; Cross Lanes, Kanawha County; Elkview, Kanawha County; Beckley, Raleigh County; and Amma, Clay County.

Other Materials: See Folder 3, which contains a subfolder entitled “Grand Jury Transcripts” -- containing two transcripts of testimony on July 17, 2018, and one transcript of testimony on August 14, 2018; and subfolders entitled “Miscellaneous” and “MOIs.”

Request M: Provide notice to defendant of the government's intention to use evidence pursuant to Rule 12(b)(4)(B) of the Federal Rules of Criminal Procedure.

Response: The United States reserves the right to use all information and evidence disclosed herein or made available for inspection and copying pursuant to this Response and such information and evidence which may be discovered and finally provided to defendant.

Any discovery provided that is not mandated by Court order, the Federal Rules of Criminal Procedure, federal statute or federal case law, is provided voluntarily as a matter of discretion solely to expedite and facilitate litigation of this case.

REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY

Pursuant to Rules 16.1(b) and 16.1(d) of the Local Rules of Criminal Procedure, the United States of America requests that defendant Loughry provide all applicable reciprocal discovery

within 14 days of the service of this response and the provision of materials requested by defendant Loughry in his Standard Discovery Requests.

**NOTICE OF THE UNITED STATES INTENT TO OFFER
CERTIFIED RECORDS UNDER FED. R. EVID. 902(11) OR 902(13)**

The United States previously provided notice of its intent to introduce the records of New Cingular Wireless, which the United States produced with its initial discovery response on July 6, 2018, pursuant to Fed. R. Evid. 902(11) or 902(13). The United States notes that the certification of New Cingular Wireless executed pursuant to Rules 902(11) and 902(13) also was produced with the initial discovery response on July 6, 2018. The certification may be found in folder 3 of the hard drive device (“Request E-Anticipated Trial Exhibits/New Cingular/SW Response Cover Sheet.pdf).

Respectfully submitted,

MICHAEL B. STUART
United States Attorney

By: s/Philip H. Wright
PHILIP H. WRIGHT
Assistant United States Attorney
WV State Bar No. 7106
300 Virginia Street East
Room 4000
Charleston, WV 25301
Telephone: 304-345-2200
Fax: 304-347-5104
Email: philip.wright@usdoj.gov

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing “SECOND SUPPLEMENTAL RESPONSE OF THE UNITED STATES TO DEFENDANT’S STANDARD DISCOVERY REQUESTS; REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY; AND NOTICE OF INTENT TO OFFER CERTIFIED RECORDS UNDER FED. R. EVID. 902(11) OR 902(13)” has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing this 28th day of August, 2018, to:

John A. Carr, Esq.
John A. Carr Attorney at Law, PLLC
179 Summers Street, Suite 209
Charleston, WV 25301

s/Philip H. Wright
Philip H. Wright
Assistant United States Attorney
WV Bar No. 7106
300 Virginia Street, East
Room 4000
Charleston, WV 25301
Telephone: 304-345-2200
Fax: 304-347-5104
Email: philip.wright@usdoj.gov